

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28938 of 2019

Arising Out of PS. Case No.-179 Year-2018 Thana- BAHADURGANJ District- Kishanganj

1. Hassain Manzar @ Sonder Son of Md. Alimuddin Resident of Village-Karwamani P.S.-Dighal Bank District-Kishanganj.
2. Taskir Alam Son of Md. Alimuddin Resident of Village-Karwamani P.S.-Dighal Bank District-Kishanganj.
3. Harmuz @ Pharmuz Alam Son of Alimuddin Resident of Village-Karwamani P.S.-Dighal Bank District-Kishanganj.
4. Asaboddin @ Asbodin Son of Ekram Ali Resident of Village-Karwamani P.S.-Dighal Bank District-Kishanganj.
5. Mohit Alam @ Mohid Son of Asaboddin @ Asbodin Resident of Village-Karwamani P.S.-Dighal Bank District-Kishanganj.
6. Sarfaraz @ Bachha Babu Son of Asaboddin @ Asbodin Resident of Village-Karwamani P.S.-Dighal Bank District-Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar

For the Opposite Party/s : Mr.Mohammed Arif

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 07-05-2019 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in Bahadurganj P.S. Case No. 179 of 2018 registered under Sections 341, 323, 308, 325, 504 and 506/34 of the Indian Penal Code.

From perusal of the impugned order, it appears that the petitioners are on police bail.



It is settled principle of law that once the petitioners have been granted bail either by the police or by the Court, the petition under Section 438 Cr.P.C. on behalf of the petitioners is not maintainable.

In that view of the matter, the present application is rejected with a direction to the petitioners to surrender before the learned Court below within six weeks from today and seek regular bail and the learned lower Court would consider the same without being prejudiced by this order.

It goes without saying that the petitioners shall be granted the benefit of the judgment of this Court rendered in the case of **Mahendra Prasad Singh Vs. The State of Bihar** reported in **2004 (3) PLJR 491** and particularly para-5 of the judgment.

(Prakash Chandra Jaiswal, J)

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